

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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Ivanjoel Aryeetey,

Petitioner,

—v—

United States of America,

Respondent.

15-cr-95 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On April 12, 2016, the Government charged Ivanjoel Aryeetey in the S2 superseding indictment filed in the above-captioned case for offenses connected to his alleged involvement with the Big Money Bosses street gang. Dkt. No. 97. On December 8, 2016, he pleaded guilty to Count Four and allocuted to brandishing a firearm in relation to a racketeering conspiracy in violation of 18 U.S.C. § 924(c)(1)(A)(ii). *See* Dkt. No. 930. On May 15, 2017, the Court imposed a sentence of 84 months' imprisonment on Count Four, to be followed by three years of supervised release. Dkt. No. 1348; *see also* Dkt. No. 1482.

On November 14, 2019, Mr. Aryeetey filed a motion to vacate his conviction under 28 U.S.C. § 2255 in light of the Supreme Court's decision in *United States v. Davis*, 139 S. Ct. 2319 (2019). Dkt. No. 2688. Mr. Aryeetey's conviction can no longer stand after *Davis*, because a racketeering conspiracy qualifies as a "crime of violence" only under the now-stricken residual clause of 18 U.S.C. § 924(c)(3). *Davis*, 139 S. Ct. at 2336.

As noted at the June 4, 2020 change of plea conference held in this matter, Mr. Aryeetey's petition for a writ of habeas corpus is therefore GRANTED and his conviction on

Count Four of the S2 superseding indictment is VACATED.¹ The special assessment imposed under 18 U.S.C. § 3013 is also VACATED. At the change of plea conference, Mr. Aryeetey pleaded guilty to Count One of the S14 superseding information, *see* Dkt. No. 2906; *see also* Dkt. No. 2881, and at the sentencing held on June 23, 2020, the Court sentenced him to 60 months' imprisonment, to be followed by three years of supervised release.

This resolves Dkt. Nos. 2516 and 2688.

SO ORDERED.

Dated: July 13, 2020
New York, New York



ALISON J. NATHAN
United States District Judge

¹ Because the Court vacates Mr. Aryeetey's conviction on Count Four of the S2 superseding indictment, it also denies as moot the previously filed § 2255 motion asserting, among others, an ineffective assistance of counsel claim, which he filed *pro se* and which remains pending. *See* Dkt. No. 2516.